

Application No.: 09/733868

Docket No.: INQ-001RCE

REMARKS

Claims 1-10, 13-23, 26-27, 30-36 and 39-46 are pending

Rejection of Claims Under 35 U.S.C. §103(a)

All of the claims were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Lupo (United States Patent Number 6, 477, 642, hereafter "Lupo") in view of Collins (United States Patent No.: 6, 158,000, hereafter "Collins") (some of the dependent claim rejections are based on Lupo alone but require the combination of Lupo in view of Collins for the underlying independent claim). For the reasons set forth below, Applicants respectfully traverse these rejections.

Summary of Claimed Invention

The claimed invention provides a method for delivering, retrieving and displaying content to a user after the completion of the initial boot sequence but prior to the loading of an operating system during a created time interval either after the completion of the BIOS POST (Basic Input Output System Power On Self Test) or prior to operating system loading for those electronic devices that load an operating system without performing a POST. The method enables the content to be updated automatically following the loading of the operating system or in response to a user request, depending upon the implementation of the invention. The updated content may originate from a remote or local location and is transferred to a persistent storage medium capable of being accessed prior to the loading of the operating system. The persistent storage medium is separate from the medium holding the BIOS. The method further enables the updating process to be conducted in a non-intrusive manner so as not to disturb other processes running on the computer system or electronic device. Additional embodiments of the present invention enable the display of content to a user to take place in an interactive format prior to operating system loading.

Summary of Lupo

Lupo describes a method of extending BIOS control of a display screen beyond the beginning of the loading of the operating system. During a POST operation, the BIOS writes

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content to the display screen, redirects a video controller interrupt vector to a new handler and traps I/O accesses to the video controller. The video controller interrupt vector that is redirected is usually used by the operating system to control the display. As a result of the redirection, the BIOS may be used to write content to the display during the entirety of the operating system loading process. Once the operating system has finished loading, the original interrupt vector is restored and the operating system takes control of the display. Lupo does not disclose the creation of a time interval between the completion of a POST and the commencement of the loading of an operating system.

#### Summary of Collins

Collins discusses a multi-processor system which allocates the initialization tasks among multiple processors. Collins discusses the use of a bootstrap processor and an application processor running concurrently in order to expedite the testing and initialization tasks found in multiprocessor systems having large memories.

#### Argument

The Examiner cited Lupo as teaching or suggesting all of the elements of Applicants' claims with the exception of the limitation that the display occurs during a created time interval between the completion of the POST and the commencement of the operating system. The Examiner admitted that Lupo did not teach or suggest the creation of the time interval limitation but suggested that the missing limitation could be found in Collins. Applicants respectfully disagree that the missing limitation may be found in Collins for the reasons set forth below.

The Examiner cited Figure 3, element 322 and the discussion located at col. 7, lines 52-55 in Collins as teaching the displaying of information during a boot process during a time interval between the completion of the POST and the commencement of the loading of the operating system (see Office Action, page 3). The Examiner then also stated "Collins further teaches the information is displayed during a time interval created specifically for said display" (see Office Action, page 3) but offers no specific location in Collins where the creation of the time interval is supposedly taught. Applicants respectfully disagree.

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Figure 3 in Collins illustrates a method of booting up a computer. The description for step 322 cited by the Examiner is part of a larger sequence of steps beginning at step 318. The description reads: "If the system does not include multiple processors, the BSP performs the rest of the POST tasks in step 318 and performs the memory read/write test in step 320. If no fatal errors are encountered, the BSP reports the results of the boot-up process in step 322 and executes the bootstrap loader in step 324 which locates and executes the operating system software" (see Collins, col. 7, lines 49-55). Applicants note that while the method reads sequentially (i.e. step 322, step 324) the description does not indicate that there is any sort of interval between step 320 and step 324. In other words, the description after step 320 reads report the results and execute the bootstrap loader rather than report the results and then execute the bootstrap loader. There is nothing in the text cited by the Examiner to suggest that the reporting and loading are not happening simultaneously. At best, the text is ambivalent and thus cannot be cited as teaching an interval.

Additionally, regardless of the exact language in Figure 3 cited by the Examiner as to when the reporting/display is occurring, the description does not teach or suggest the creation of the time interval limitation required by Applicants' claims. Similarly, the rest of Collins also fails to teach or suggest the creation of the time interval required by Applicants' claims. Applicants request the Examiner specifically indicate where the creation of the time interval is taught in Collins if he wishes to maintain the rejection.

All of Applicants independent claims 1, 14, 27, 41, 43, 45 and 46 include the element of the step of "creating a time interval" as a claim limitation. The dependent claims thus also include this limitation. As Applicants believe the combination of Lupo in view of Collins fails to teach or suggest all of the elements of Applicants independent claims for the reasons set forth above, and as all of Applicants independent claims stand rejected based on the combination of Lupo in view of Collins, Applicants believe all of the claims are now in order for allowance. Accordingly, Applicants request the withdrawal of the rejections directed to claims 1-10, 13-23, 26-27, 30-36 and 39-46, and the allowance of the claims.

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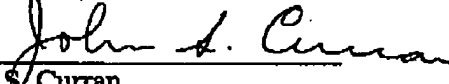
**CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. INQ-001RCE from which the undersigned is authorized to draw.

Dated: December 22, 2004

Respectfully submitted,

By 

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